

ARTICLE IV – AGRICULTURE-SECURE DISTRICT

AGRICULTURE SECURE DISTRICT USE REGULATIONS Adopted November 8, 2004

SECTION 406: A1 - AGRICULTURAL SECURE DISTRICT

SECTION 406.01 **Purpose**

It is recognized that the public health and welfare of the citizens of Grant Township, St. Clair County, the State of Michigan, are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. This district is tended to ensure that land areas within Grant Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands.

SECTION 406.02 **Intent**

This Agriculture Secure District is dependent on voluntary enrollment by the property owner. Enrollment of ones property in this district will make the property owner eligible to participate in any future government programs established for the purpose of buying and selling of property development rights. Such selling of development rights will further the township=s goal of preserving farmland.

The A-1 District acknowledges that agriculture is a specialized form of industry characterized by the production through animal husbandry and crops of saleable farm products as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment).

The agricultural district boundaries are based on an analysis of soils that identified those especially well suited for farming as classified by the U.S. Soil Conservation Service (based on the characteristics of soils, drainage, topography, and the availability of water). Other factors were also taken into consideration when establishing the district boundaries, including the existing investment in agriculture, the extent of and proximity to non-farm development, the average parcel size of existing farms, and the minimum acreage needed for most farm operations. Specifically, this ordinance is designed:

1. To preserve woodlands and wetlands associated with farms which because of their natural physical features, are useful as water retention, surface water purification and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the agricultural district.
2. To provide the basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.
3. To prevent the conversion of agricultural land to non-farm development which when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.

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4. To protect farmland from speculative increases in land values.
5. To prevent loss of farmland.
6. To prevent conflicts between agricultural activities and residences.
7. To prevent encroachment of urban and suburban services into agricultural areas.
8. To encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable business environment for such production.
9. To reduce the amount of land consumed in rural areas for nonagricultural use.
10. To prevent intrusion of uses into farm areas which are incompatible with general farming activities.
11. To permit services and uses which are necessary to support farming activities.

SECTION 406.03 **Definitions:**

1. **AGRICULTURE.** For the purpose of this Ordinance, agriculture shall consist of the soil cultivation and animal husbandry.
2. **AGRICULTURAL LAND:** All the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner or by his agent or by a tenant farmer, provided that the area thereof is sufficient to constitute actual farming; and for the purpose of this Ordinance, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms vineyard and apiaries; the word "agriculture," "farm", and "farming" shall be considered as synonymous.
3. **ANIMAL UNIT:** One thousand pounds of animal(s) weight.
4. **AGRICULTURAL SERVICE ESTABLISHMENT:** Agricultural service establishments engage in performing agricultural, animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to, centralized bulk collection, refinement, storage, and distribution of farm products to wholesale and retail markets (such as grain cleaning and selling; sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service and repair; veterinary services; and facilities used in the research and testing of farm products and techniques.

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SECTION 406.04 Permitted Uses:

The following uses of land are permitted in this district:

1. Commercial agriculture, farm, farm operation, agriculture. wholesale, and retail, minimum forty (40) acres in size.
2. Conservation area for fauna and flora
3. Dairy farm
4. Dwelling unit, farm
5. Dwelling unit, non-farm
6. Farm buildings
7. Farm drainage and irrigation systems
8. Forest preserve
9. Game refuge
10. Grazing and forage
11. Historic sites and structures
12. Home occupations
13. Nursery, green houses
14. Non-commercial raising of farm animals
15. Raising of small animals, i.e. rabbits, chickens, turkeys etc.
16. Tree, sod farms
17. Transmission and distribution lines, and pipelines of public utility companies within existing public rights-of-ways
18. Uses customarily accessory to farm operations
19. Uses and structures customarily accessory to non-farm dwellings
20. Orchards
21. Vineyards
22. Cemeteries

SECTION 406.05 Special Approval Uses:

1. The following uses of land and structures may be permitted upon the issuance of a special approval use permit in accordance with the procedures and standards contained in Section 605 and 608.
 - A. Commercial agriculture, farm, farm operation, agriculture. wholesale, and retail less than forty (40) acres in size.
 - B. Agricultural service establishments
 - C. Essential service structures including, but not limited to: any new rights- of-way across farmland, telephone exchange and/or repeater buildings and towers, electrical station and substation buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services.

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D. Roadside stands selling only products at least fifty (50) percent is grown on the same premises or on land which is part of the same farm or produced on that farm and setback from the right-of-way at least 50 feet and adequate off street parking will be provided.

E. Livestock Production Facilities

(1) Large livestock operations shall be reviewed and approved by the Michigan Department of Agriculture according to the Generally Accepted Agricultural and Management Practices (GAAMPs) for Site Selection and Odor Control for New and Expanding Livestock Production Facilities, as per PA 261 of 1999.

(2) For small livestock operations, the following standards shall apply:

(a) The operation shall have a maximum density of one (1) animal unit for the first three (3) acres, plus one (1) animal unit per additional acre.

(b) Animals shall be provided suitable shelter, with shelters meeting the setback requirements for accessory structures.

(c) The applicant shall demonstrate a suitable method for removing and disposing of animal waste.

F. Storing, packaging and processing of farm produce, provided such activities are done on a farm consisting of at least forty (40) acres and that such storage, packaging, or processing includes farm products grown on that parcel. Canning and freezing activities are prohibited.

G. Boarding and riding stables.

H. Farm labor housing which meets all state, federal and township code requirements.

2. Standards applicable to special approval uses A, B, and C above:

A. The proposed use shall be sited upon land which is less suitable for commercial agriculture than other agricultural land within the district.

B. The proposed use shall be sited on a parcel in a manner which minimizes the amount of productive agricultural land which is converted to the proposed use.

D. The proposed use shall be located in close proximity to existing facilities providing agricultural services whenever possible and appropriate. The clustering of agricultural service establishments into agricultural service centers shall be encouraged and accomplished by special approval use permit.

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SECTION 406.06 Development Standards:

1. Site development standards applying to all uses, except as noted in Section 402.06, paragraph 2:
 - A. Maximum Lot Area for non-farm dwelling units: 2 acres, +/- 1/10 acre
 - B. Maximum Lot Area for special approval uses: 10 acres (does not apply to commercial agriculture, farm, farm operation, agriculture. wholesale, and retail)
 - C. Minimum Lot Area for farm dwelling unit: 40 acres.
 - D. Minimum Lot Width: 165 ft. for non-farm dwelling units, 600 feet for farm dwelling units.
 - E. Maximum Lot Coverage: 10%
 - F.. Minimum Setbacks:
 - (1) Front: 50 ft.
 - (2) Side: 20 ft.
 - (3) Corner: 50 ft.
 - (4) Rear: 50 ft.
 - G. Maximum Height:

2 stories/35 feet
 - H. Maximum lot width to depth ration: 1 to 4
2. The following qualifications and exceptions apply:
 - A. Every farm which contains a single family dwelling existing as of (*insert date of adoption*), shall be allowed to split a lot from the main farm acreage to create a new lot for a new single family dwelling intended for occupancy by a person or persons actively involved in the farming operations
 - (1). Each lot for a dwelling unit shall be a separately conveyed parcel of no more than two acres (+/- 1/10 acre) in area and described by a recorded certificate of survey unless a larger parcel is required by the St. Clair County Health Department to accommodate a drain field for a septic system or adequate separation between septic wastes and water well.
 - (2) In addition, a lot on which an existing farmstead consisting of a residential dwelling and farm buildings is located, may be split off from the main farm acreage in the form of a separate surveyed and recorded lot, provided that said parcel shall not exceed three (3) acres in size, unless a larger area is necessary to meet required setbacks of this section.

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- B. The driveway serving a lot shall be separated from adjacent driveways on the same side of the road by the following minimum distances:
 - (a) Local secondary road: 100 feet
 - (b) County primary/state highway: 125 feet
 - (c) Minimum distance from an intersection of two or more of the above: 80 feet
- C. After the effective date of this ordinance, all non-farm dwellings units, farm buildings, and accessory structures on adjoining lots shall be sited a minimum of 300 feet from one another.
- D. Non-farm dwelling units may have one (1) animal unit for each acre over the required two (2) acres required for the home site.
- E. The maximum height of farm buildings shall be one hundred (100) feet. All farm buildings over 35 feet shall be set back from a lot line a distance of at least equal to the height of the building.
- F. Line and structures within existing public rights-of-way (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this Section.
- G. Prior to the issuance of a zoning permit, the zoning administrator shall certify that the location of proposed uses and structures, in addition to meeting the above requirements, is not on the best quality agricultural soils of the parcel, unless due to practical problems of access or to meet spacing requirements from existing farm buildings or non-farm dwellings, no other location is available.
- H. Adequate area for a septic drain field and approved distance shall be maintained between the well and septic tank drain field as required by the County Health Department.
- I. Access to a public road shall meet ordinance requirements.
- J. Accessory buildings, structures and uses to non-farm dwelling units are prohibited in the area between the front lot line and the setback, although they are permitted on the side and rear of the dwelling provided they conform with setbacks. Rear setbacks may be reduced by the zoning administrator up to 20 feet from the lot line, unless it is a right-of-way, upon a showing by the applicant of practical difficulty and no adverse impact on the use or enjoyment of an adjoining parcel, and provided all other requirements of this district are met.
- K. Non-farm dwelling units shall be permitted on lots or parcels of land for which a deed has been recorded in the office of the St. Clair County Register of deeds upon or prior to the effective date of this Ordinance, or on a lot or parcel of land that would have been a lot of record if the document conveying the lot had been recorded on the date of its execution, provided they are able to meet all applicable standards and requirements of this Ordinance and all other applicable township and county ordinances.

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SECTION 406.07 **Application Procedure for Special Approval Use:**

Application for special approval uses authorized in this Ordinance shall be submitted to the Planning Commission through the Zoning Administrator.) See Article VI, Section 607 for Administrative Procedure)

The application shall contain the following:

1. Completed form for new land use or change
2. Material as required for site plan review as outlined in Article V Section 606.

SECTION 406.08 **Planning Commission Action:**

The Planning Commission may deny, approve, or approve with conditions, requests for special approval use. The decisions on a special approval use shall be incorporated in a statement of conclusions relative to the special approval use under consideration. The decision shall specify the basis for the decision and any condition imposed.

SECTION 406.09 **Severability:**

The provisions of this ordinance are hereby declared to be severable. If a clause, sentence, paragraph, rule, regulation, section, or sub-section is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion thereof other than the part declared void or inoperable.

SECTION 406.10 **Repeal:** All Ordinances in conflict herewith are hereby revoked.

SECTION 406.11 **Effective Date:** This ordinance becomes effective thirty (30) days following adoption.